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**PLANNING  
COMMISSION  
EXHIBIT**

#26

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October 26, 2004

Robert McIntyre, Chairman  
Old Saybrook Planning Commission  
302 Main Street  
Old Saybrook, CT 06475

- and -

Madeleine B. Fish, Chairwoman  
Old Saybrook Zoning Commission  
302 Main Street  
Old Saybrook, CT 06475

**RE: Old Saybrook Planning Commission - Open Space Subdivision Special  
Exception**

**FILE NO: Old Saybrook Zoning Commission - The Preserve, Future PRD Application  
3029/04-207 and 3030/04-066**

Dear Chairman McIntyre and Chairwoman Fish:

This letter is to supplement my preliminary review letter of October 12, 2004. Since drafting that letter, I have had the opportunity to meet with the other members of the Commission's consultant team and to hear the issues and questions raised by them. This, in turn, has presented additional items that I should address, as follows:

Description of Open Space Areas, Conservation Easements, Streets, etc.: At the time of final application, it will be necessary for the plans to include bearings and distances for any conveyances to the Town, including street rights-of-way, drainage easements,

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open space, Conservation Easements, and other similar interests. This level of detail is *not* required at this time, and is only mentioned here to guide the applicant in the future.

Written Reports of Applicant's Experts: During the presentation by RS in support of their application for zoning text change and in other presentations before the various land use agencies and staff, RS has emphasized the qualifications and central role of the experts retained to shape the design of this proposed development. Specific names included were Randall Arendt, Professor Michael W. Klemens, and Michael Klein. To date, no written reports from any of these individuals have been received, nor any of the data or recommendations which they generated. Since their work is being cited as the basis for the subdivision design, the Commission and its consultants should have the benefit of the original source materials. It would also be helpful if these individuals were present at one or more of the public hearings should questions arise.

Parcel South of Lot #46: There is a parcel of land located south of Lot #46 which is not labeled as to its use. It does not appear to be part of any adjacent lot.

Right of Way Northeast of Lots #17-18: There is a right of way located to the northeast of Lots # 17-18 which leads to land not owned by RS. What is the purpose of this right of way? If it will serve additional development on the adjoining parcel, what impact will that have on traffic generation, stormwater management, or wetlands disturbance? Is this to be a public road or a private driveway? Will it meet the sight lines and other requirements for a road or driveway as the case may be? Will these lots be eligible to connect to The Preserve's community septic system? Good planning requires that the probable use of that adjacent land be considered in at least preliminary terms.

Conservation Easement to the Rear of Lots #46-56: The plans depict a Conservation Easement to the rear of Lots #46-56 but also depicts a trail through this Easement area. I would recommend against this pattern. Conservation Easements can be effective in preserving land for buffering, habitat, and other purposes. However, lot buyers are not usually familiar with the concept of "fee ownership" as opposed to an "easement". When they see the general public walking across their "back yards", they do not understand how those people can have the right to be there. Wherever a trail is to be located, it should be in open space that is decided to the Town. Lots #46-56 are oversized and would not be adversely affected by having them back up to public open space as opposed to a public access Conservation Easement. There may be other locations where trails are located in Conservation Easements which should be examined.

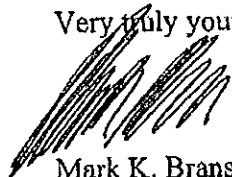
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Conservation Easements, E.g., Rear of Lot #67: There are locations, such as the rear of Lot #67, where the Town's environmental consultants will be recommending deeded open space instead of Conservation Easements. These are locations where a particularly valuable natural resource is found. I concur with this recommendation. As described above, Conservation Easements are often a difficult concept for the average home owner to understand. They are adequate for low-threat areas but should not be relied on where the resource is of particular value and where there are adjacent open space areas to which they can be appended.

I hope these comments are of help to the Commissions that must review this application.

As always, if you have any questions, please do not hesitate to contact me.

Very truly yours,



Mark K. Branse

MKB:ta

cc: David Royston, Esq.  
Town Review Consultants and Agencies [to be distributed by the Land Use Office with other reports]